

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

EDUARDO LEAL,

Plaintiff,

V.

STARWOOD HOTELS & RESORTS
WORLDWIDE, LLC,

Defendant.

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CIVIL ACTION NO. 4:18-cv-3190

**DEFENDANT WESTIN OPERATOR, LLC'S
NOTICE OF REMOVAL**

Defendant, Westin Operator, LLC (improperly named as Starwood Hotels & Resorts Worldwide, LLC) ("Westin"), files this Notice of Removal pursuant to 28 U.S.C. §§ 1446(a) & (c).

Introduction

1. On June 19, 2018, Eduardo Leal ("Plaintiff"), filed a lawsuit against Starwood Hotels & Resorts Worldwide, LLC ("Starwood") in Cause No. 2018-40797; *Eduardo Leal v. Starwood Hotels & Resorts Worldwide, LLC*; In the 269th Judicial District Court of Harris County, Texas. A certified copy of the Original Petition is attached as Exhibit 1. Starwood was served with the Original Petition on August 10, 2018. However, the correct property management company in this case, and thus the correct defendant, is Westin.

2. Westin timely filed this notice of removal within the 30-day period required by 28 U.S.C. § 1446(b).

Bases for Removal

3. Removal is proper based on diversity of citizenship, pursuant to 28 U.S.C. § 1332(a). In particular:

- a. Plaintiff is a citizen of Texas.
- b. Starwood became an indirect, wholly-owned subsidiary of Marriott International, Inc. on September 23, 2016. Marriott International, Inc. is a Delaware corporation with its principal place of business at 10400 Fernwood Rd., Bethesda, MD 20187. As noted in Plaintiff's Original Petition, Starwood is a foreign LLC.
- c. Westin is a limited liability company incorporated in Delaware, with its principle place of business in Maryland. It is also a subsidiary of Marriott international, Inc. Upon information and belief, each of Westin's members reside outside of Texas: David J. Grissen (Maryland), Bao Giang Bauduin (Maryland), and Ken Thornsberry (Tennessee).

4. Plaintiff alleges in his Original Petition that he seeks monetary relief of over \$200,000.00 but less than \$1,000,000, together with interest and costs. Accordingly, the amount in controversy exceeds \$75,000.00, and combined with complete diversity, all the removal requirements of 28 U.S.C. §§ 1332 and 1441(b) are met.

5. Venue is proper in this Court under 28 U.S.C. § 1441(a) because the Southern District of Texas and the Houston Division embrace Harris County, Texas, where the removed action has been pending. Similarly, venue is proper pursuant to 28 U.S.C § 1391(b)(2) because the

alleged events or omissions giving rise the present suit occurred in Harris County, Texas, which is embraced by the Southern District of Texas.

6. Pursuant to 28 U.S.C. § 1446(d), a copy of this notice of removal will promptly be filed with the Clerk of the 269th Judicial District Court of Harris County, Texas and all parties.

7. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a). Those filings consist of a certified copy of the Original Petition (Exhibit 1), and the following additional filings, as required by Local Rule 81:

Exhibit 2:	All executed process in the case;
Exhibit 3:	The docket sheet (no orders have been signed by the state judge);
Exhibit 4:	An index of matters being filed;
Exhibit 5:	List of all counsel of record and parties represented

Jury Demand

8. Pursuant to Federal Rule of Civil Procedure 38, Westin demands a trial by jury.

Prayer

Defendant, Westin Operator, LLC, respectfully gives notice that this state court action has been removed and placed on this Court's docket for further proceedings. Westin further requests any additional relief to which it is justly entitled.

Respectfully submitted,

s/ Joseph A. Ziemianski

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ATTORNEYS FOR DEFENDANT,
WESTIN OPERATOR, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing instrument was served upon on all known counsel of record by the Court's electronic filing system September 7, 2018.

Richard J. Nava
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s/ Joseph A. Ziemianski
Joseph A. Ziemianski